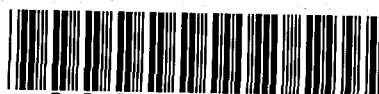


WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

22
OP



0000042308

RIGINAL

BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

RECEIVED

2002 MAR -5 P 12:00

DATE: March 5, 2002
DOCKET NO: T-03568A-01-0960
TO ALL PARTIES:

AZ CORP COMMISSION
DOCUMENT CONTROL

Enclosed please find the recommendation of Administrative Law Judge Teena Wolfe.
The recommendation has been filed in the form of an Order on:

PNV.NET, INC.
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MARCH 14, 2002

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Open Meeting to be held on:

MARCH 19 and MARCH 20, 2002

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission

DOCKETED

MAR 05 2002

DOCKETED BY	
-------------	--

BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN

3 JIM IRVIN
COMMISSIONER

4 MARC SPITZER
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF
PNV.NET, INC. FOR CANCELLATION OF ITS
7 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
8 RESOLD TELECOMMUNICATIONS SERVICES
EXCEPT LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03568A-01-0960

DECISION NO. _____

ORDER

9 Open Meeting
10 March 19 and 20, 2002
Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the
13 Commission finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. On December 7, 2001, in Decision No. 61531, the Commission granted to Park 'N
16 View, Inc. a Certificate of Convenience and Necessity ("CC&N") authorizing it to provide
17 competitive interLATA/intraLATA resold telecommunications services except local exchange
18 services.

19 2. Effective October 6, 1999, Park 'N View Inc. changed its name to PNV.Net, Inc.
20 ("PNV").

21 3. On December 7, 2001, PNV filed in this docket an application requesting that the
22 Commission cancel its CC&N and release the surety bond on file with the Commission. The
23 application stated that PNV is in the process of bankruptcy and has no customers.

24 4. On January 14, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff
25 Report in this matter.

26 5. In the Staff Report, Staff stated that PNV is no longer doing business; does not service
27 any intrastate customers; and no prepayments, deposits, or advances would be at risk by cancellation
28 of PNV's CC&N.

6. Staff has indicated that it is not opposed to the release of PNV's surety bond.

7. There are numerous other carriers in Arizona offering services similar to those PNV is currently certificated to provide.

8. No Arizona customers will be affected by the requested cancellation.

9. In the Staff Report, Staff recommended approval of PNV's application, and further recommended that a hearing not be held.

CONCLUSIONS OF LAW

1. PNV is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over PNV and the subject matter of the application.

3. The cancellation of PNV's CC&N is in the public interest.

4. Staff's recommendation in Findings of Fact No. 9 is reasonable and should be adopted.

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS THEREFORE ORDERED that the application of PNV Net, Inc. for the cancellation of its Certificate of Convenience and Necessity to provide competitive interLATA/intraLATA resold telecommunications services except local exchange services in Arizona, and for the release of its surety bond, is hereby approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2002.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____

TW:

1 SERVICE LIST FOR:

PNV.NET, INC.

2 DOCKET NO.:

T-03568A-01-0960

3 Anthony Cooke
4 Director of Government Affairs
5 Telecom Compliance Services
6 6455 East Johns Crossing
Suite 200
Duluth, Georgia 30097

7 Christopher Kempley, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

10 Ernest G. Johnson, Director
11 Utilities Division
12 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007